ARCHITECTURE PROFESSION ACT

CHAPTER 90:02

Act
19 of 1992

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 90:02

ARCHITECTURE PROFESSION ACT

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CHAPTER 90:02

ARCHITECTURE PROFESSION ACT

19 of 1992.

An Act respecting the registration of Architects and otherwise regulating the practice of Architecture.

Commencement.

[4TH DECEMBER 1992]

Short title.

1. This Act may be cited as the Architecture Profession Act.

Interpretation.

2. In this Act—

"Accreditation Committee" means the committee referred to in section 12;

"Appeals Tribunal" means the Tribunal established under section 15;

"Assessment Committee" means the committee referred to in section 13;

"Board" means the Board of Architecture established under section 3;

"Certificate of Registration" means the Certificate referred to in section 19;

"Disciplinary Committee" means the Committee established under section 14;

"Institute of Architects" means the body incorporated by the Trinidad and Tobago Institute of Architects Act;

25 of 1988.

"Minister" means the member of Cabinet to whom responsibility for public works is assigned;

"misconduct" means any act constituting an infringement of the Code of Ethics set out in the Schedule;

Schedule.

"registered architect" means an architect registered under this Act.

Establishment of Board.

3. (1) There is established a Board of Architecture that is a body corporate.

(2) The Board shall be appointed by the Minister and shall consist of—

(a) four registered architects nominated by and holding membership in the Institute of Architects of Trinidad and Tobago;

(b) a public officer who is registered or is eligible to be registered as a registered architect;

(c) two persons appointed to represent the public interest.

(3) A Chairman shall be appointed by the Board from among its members.

(4) A person appointed to the Board shall be a citizen of, or ordinarily resident in Trinidad and Tobago.

(5) A person appointed to the Board under paragraph *(a)* or *(b)* of subsection (1) shall have been engaged in the practice of architecture for at least eight years.

Term of office of Board members.

4. A person appointed to the Board holds office for a term of three years but is eligible for reappointment for a maximum of two further consecutive terms.

Meetings and quorums.

5. (1) The Board shall hold meetings at such times as may be necessary or expedient for the purpose of fulfilling its functions and such meetings shall take place not less than twice in each calendar year.

(2) Ten days notice in writing of every meeting of the Board shall be given to each member of the Board.

(3) A quorum of any meeting of the Board shall be four members but in other respects the Board may regulate its own procedure.

Resignation.

6. (1) A member of the Board other than the Chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister.

Vacancies.

7. Where a vacancy occurs in the membership of the Board such vacancy may be filled by the Minister on the same basis on which the appointment becoming vacant was made, and the new member shall hold office for the remainder of the period for which his predecessor was appointed.

Functions of the Board.

8. The functions of the Board are—

(a) to assess the qualifications and experience of persons applying for registration as registered architects;

(b) to conduct examinations of persons applying for registration as registered architects;

(c) to register architects and issue certificates of registration;

(d) to monitor adherence to and investigate breaches of the Code of Ethics;

(e) to exercise disciplinary control over registered architects;

(f) to keep published for public scrutiny in a format to be decided by the Board and notified in the *Gazette*, a list of qualifications and institutions recognised by the Board in respect of the training in architecture required by this Act;

(g) to advise the Minister on amendments to this Act as it considers desirable; and

(h) generally to regulate the practice of architecture in accordance with this Act.

The Register.

9. The Board shall cause to be kept a register of registered architects to be known as the Register of Registered Architects in which shall be entered such particulars as may be prescribed.

Registrar/ Secretary.

10. (1) The Board shall appoint a registered architect to perform the functions of Registrar/Secretary.

(2) The functions of the Registrar/Secretary are—

(a) to maintain the Register of Registered Architects and to keep the Register open for public scrutiny at such fees as may be prescribed;

(b) to endorse in the Register such particulars of a registered architect as may be prescribed;

(c) to collect all fees;

(d) to publish at least once in every year in the *Gazette*, the Register and a list of those persons whose Certificates of Registration have been suspended or cancelled; and

(e) to perform such other functions as the Board may specify.

(3) A copy of the *Gazette* listing the information required to be published under subsection (2)*(d)* is admissible in any proceedings as evidence that a person is or is not registered as a registered architect or has had his Certificate of Registration suspended or cancelled.

Committees.

11. (1) The Board may establish committees to assist in the exercise of its functions and shall establish an Accreditation Committee and an Assessment Committee.

(2) A member of a Committee established under subsection (1) need not be a member of the Board.

Accreditation Committee.

12. (1) The functions of the Accreditation Committee are to assess and keep under review the academic qualifications for registration as a registered architect and to scrutinise, examine and investigate the academic qualifications of individual applicants for registration as registered architects.

(2) The Accreditation Committee shall assist the Board—

(a) in the preparation and conduct of such examinations as the Board deems necessary;

(b) in the preparation of the list of qualifications required by section 8 to be published for public scrutiny.

Assessment Committee.

13. The functions of the Assessment Committee are to review the architectural work done by applicants seeking to qualify for registration and to make recommendations in this regard to the Board.

Disciplinary Committee.

14. (1) There is established a Disciplinary Committee of the Board comprised of three or more registered architects not being members of the Board, who shall be appointed by the Board.

(2) Where there is any allegation of misconduct by any registered architect, the Disciplinary Committee shall investigate and report to the Board whether there are any grounds for disciplinary proceedings being brought against that architect.

(3) On receipt of a report under subsection (2), the Board shall decide whether or not disciplinary proceedings shall be brought, and before such proceedings are brought shall furnish a copy of the report to the registered architect against whom the allegations of misconduct have been made.

(4) A report of the Disciplinary Committee may be used in disciplinary proceedings, but the Board shall not be restricted to evidence mentioned or referred to in any such report.

Appeals Tribunal.

15. (1) There is established an Appeals Tribunal appointed by the Minister and consisting of three registered architects, not being members of the Board.

(2) The Appeals Tribunal shall hear all appeals against the refusal of the Board to register an applicant as a registered architect.

Prohibitions.

16. A person, who is not a registered architect shall not—

(a) use any title or description that leads to the belief that he is a registered architect;

(b) advertise himself as a registered architect;

(c) act in a manner so as to create or induce the belief that he is a registered architect; or

(d) sign or stamp any plans, drawings, designs or specifications, purporting to be acting in the capacity of such registered architect.

Qualification for registration.

17. (1) A person who holds membership at the grade of Member or Fellow in the Institute of Architects at the date of commencement of this Act and who continues to hold

such membership is entitled as of right to be registered as a registered architect.

(2) Subject to section 18, a person is entitled to be registered as a registered architect under this Act if, on application made to the Board, he satisfies the Board that—

(a) he is qualified to be registered as a registered architect; and

(b) he is a fit and proper person to practise as a registered architect.

(3) For the purpose of subsection (2), a person is qualified to be registered as a registered architect if—

(a) he has been awarded a degree, diploma or other professional qualification in architecture granted by a University or School of Architecture that, in the opinion of the Board, is evidence of satisfactory training in architecture; and

(b) he has had not less than three years experience in the practice of architecture, one year of which may be practical experience as may be approved by the Board, gained during his pursuit of the professional qualification referred to in paragraph *(a)*.

(4) An application for registration shall be made to the Secretary of the Board on a form approved by the Board.

(5) A person who wishes to be registered under this Act shall furnish to the Secretary of the Board—

(a) evidence of his qualifications and experience;

(b) proof of his identity; and

(c) such other information as the Board requires in respect of the matters referred to in subsection (3) or under subsection (1) of section 18, as the case may be.

Registration of persons who lack qualification.

18. (1) Notwithstanding section 17, any person who does not possess the qualification specified in that section but who,

on application made to the Board within one year of the commencement of this Act, satisfied the Board that—

(a) he has had, before the commencement of this Act, ten years experience in the practice of architecture; and

(b) he is a fit and proper person to be registered as a registered architect,

is entitled to be registered as a registered architect.

(2) In determining whether a person satisfies the requirement of subsection (1), the Board may conduct an investigation relating to the experience in architecture of that person as it considers necessary and may require that person to undergo a written or oral examination in architecture, or both such written and oral examination.

Certificate of Registration.

19. (1) Where the requirements for registration have been satisfied the Board shall, upon receipt of the prescribed fee from the applicant, issue to him a Certificate of Registration.

(2) Where the Board refuses an application for registration as a registered architect it shall provide reasons for such refusal.

Redress for rejected applicants.

20. (1) A person aggrieved by the refusal of the Board to register him under this Act may—

(a) within three months of such refusal, appeal to the Appeals Tribunal; or

(b) where he is of the view that there are additional facts or that fresh circumstances have arisen which warrant the reconsideration by the Board of his application for registration, reapply to the Board for such consideration no sooner than twelve months from the date of such refusal.

(2) A person who appeals under subsection (1) is entitled to be represented at the hearing by his legal adviser.

Code of Ethics.

Schedule.

21. (1) A registered architect shall conform to the Code of Ethics for registered architects set out in the Schedule.

(2) A registered architect who breaches any provision of the Code of Ethics is liable to disciplinary action by the Board.

(3) The Minister may, by Order, amend the Schedule on the advice of the Board.

Disciplinary proceedings.

22. (1) In any disciplinary proceedings held by the Board, the Board shall in addition to any other requirement imposed by any regulations under this Act—

(a) furnish adequate notice to the registered architect against whom the misconduct is alleged stating the nature and details of the alleged misconduct;

(b) allow the registered architect against whom the misconduct is alleged, the right to be heard in his defence, to be represented by his legal adviser where so requested and the right to cross-examine any witness called by the Board.

(2) Where the Board fails to comply with subsection (1), any decision taken by the Board which adversely affects the career or interest of the registered architect subjected to the disciplinary proceedings, is void.

(3) In exercise of its disciplinary powers the Board may, where it is satisfied that an allegation of misconduct is proved, censure the registered architect or suspend or cancel his Certificate of Registration.

Application fees.

23. An applicant for registration as a registered architect shall pay such fees as may be prescribed.

Annual fees.

24. A registered architect shall pay to the Board such annual practice fee as may be prescribed.

Other fees.

25. A registered architect shall, on payment to the Board of the prescribed fees, have endorsed on the Register and on his Certificate of Registration any further qualifications acquired subsequent to registration.

Offences and penalties.

26. (1) No person shall—

(a) fraudulently procure or attempt to procure the registration under this Act of himself or any other person by making or producing or causing to be made or produce, any false or fraudulent representation, statement or declaration, either orally or in writing; or

(b) fraudulently make, cause or permit to be made—

(i) any false or incorrect entry or copy of an entry in the Register;

(ii) any alteration in any entry or copy of an entry in the Register.

(2) A person who contravenes the provisions of this section or section 16 is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

Consent of Director of Public Prosecutions.

27. The consent of the Director of Public Prosecutions shall be obtained before any criminal proceedings are brought under this Act.

Regulations.

28. (1) The Minister, after consultation with the Board, may make Regulations for the carrying out of the functions of the Board including provisions for—

(a) the registration of registered architects and the issuance of Certificates of Registration;

(b) the disciplining of registered architects;

(c) the review, payment and collection of fees;

(d) the conduct of examinations; and

(e) the prescribing of anything required by this Act to be prescribed.

(2) Regulations made under this section shall be subject to affirmative resolution of Parliament.

SCHEDULE

(Section 21).

CODE OF ETHICS

1. A registered architect shall not hold, assume or accept a position in which his interest is in conflict with his professional duty.

2. A registered architect is remunerated solely by his professional fees payable by his client or by a salary payable by his employer. He is debarred from any other source of remuneration in connection with the works and duties entrusted to him. It is the duty of a registered architect to comply with the conditions of engagement of the Trinidad and Tobago Institute of Architects.

3. A registered architect shall not accept any work which involves the giving or receiving of discounts or commissions, or accept any discount, gift or commission, from contractors or tradesmen, whether employed upon his works or not.

4. A registerd architect may be an architectural consultant, adviser, or assistant to building contractors, decorators, manufacturers, house and estate agents, estate development firms or companies, or firms or companies trading in materials used in or whose activities are otherwise connected with the building industry, if he is paid by fee, salary or royalty and not by commission on sales or profits, and provided that he does not either directly or indirectly solicit orders for the firm or company.

5. Where a registered architect is engaged specifically as an architectural consultant or adviser, as described in Clause 4 his name and affix may appear only on the note paper of the firm or company used in connection with his professional services.

6. Where a registered architect is engaged as an architectural consultant, adviser or assistant as described in Clause 4, he shall not act in a professional capacity for a third party to whom his principals owe a contractual duty, but if mutually agreed between all the parties he may act as an independent architect on the direct instructions of the said third party provided that he receives the payment of fees direct from the third party.

7. Where a registered architect is a director of a firm or a company carrying on a business in the trading of materials used, or connected with the building industry or trading in land or building for profit, he shall act in accordance with Clause 1 of this Code.

8. A registered architect—

(a) shall not advertise his work or merit in a self-laudatory manner, and shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the profession;

(b) may employ circumspect advertising to announce his practice and availability. Only those media shall be used as are necessary to reach directly an interested and potential client or employer, and such media shall in themselves be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or to the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another registered architect, either specifically or by implication.

9. A registered architect may allow signed illustrations and descriptions of his work to be published in the Press, but he shall not—

(a) give monetary consideration for such insertions;

(b) allow such insertions to be used by the publishers for extorting advertisements from contributors.

10. A registered architect may consent to the publication of series of illustrations either in circular, brochure or book form, with or without descriptive letter-press of any building or buildings for which he has been responsible, providing that such publication is not used by the publishers for extorting advertisements from contributors.

11. A registered architect may sign his buildings and may exhibit his name outside his office and on buildings in the course of construction, alteration or extension, if it is done in an unostentatious manner and the lettering does not exceed two (2) inches in height.

12. A registered architect must not attempt to supplant another architect, nor must he compete with another architect by means of a reduction of fees or by other inducements.

13. A registered architect on being approached or instructed to proceed with professional work upon which another architect was previously employed, shall notify the fact to such architect.

14. A registered architect employed as a full-time salaried and official registered architect by a central or local government department or by a statutory undertaking, and who is by reason of his office in a position to grant or influence

the granting of any form of statutory or other approval, must not undertake private work notwithstanding any permission from his employing authority to do so, unless he is satisfied that his position and action in the matter will be free from any suspicion or suggestion of abuse.

15. In all cases of dispute between building owner and contractor a registered architect must act in an impartial manner. He must interpret the conditions of a contract with entire fairness as between the building owner and the contractor.

16. A registered architect must not permit the insertion of any clause in tenders, bills of quantities, or other contract documents which provides for payment to be made to him by the contractor whatever may be the consideration, unless with the full knowledge and approval of the employer.

17. Where a registered architect takes off the quantities for his buildings he should be paid directly by the employer and not through the contractor except with the previous consent of the employer.

18. A registered architect shall enter only such architectural design competitions as are approved by the Trinidad and Tobago Institute of Architects.

19. A registered architect must not act as architect or joint architect for work which is or has been the subject of a competition in which he is or has been engaged as assessor.

20. An assessor must not act as consulting registered architect nor in any other professional capacity, in any matter connected with work which has been the subject of a competition, provided always that he may act as arbitrator in any dispute between the promoters and the selected architect.

21. Where a registered architect is officially approached by a promoter for advice on the holding of a competition with a view to his acting as assessor, and eventually it is decided not to hold the competition but to appoint a registered architect to carry out the work, the registered architect originally approached in an advisory capacity is precluded from acting as architect for the work in question.